

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 1-14 and 25-30 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Graziano et al. U.S. Patent Application Publication 2003/01099286 (previously cited) discloses a system having a switch (DSLAM), where the system shapes power spectral density based on data regarding determined line conditions, and a transmit spectrum is selected based on the acquired data. Bremer et al. U.S. Patent 6,970,501 discloses an apparatus for selection of a subscriber line spectrum class technology including a modem capable of operating in a plurality of modes that are compatible with a plurality of spectrum management classes, respectively, each class defining PSD requirements, the modem including a plurality of transceivers, each transceiver corresponding to one of the modes and associated PSDs (see claim 1), where after a transceiver operating according to a first PSD is selected and is operating, an adaptive class measurement device monitors whether communication parameters have changed in order to cause another transceiver operating according to another PSD to be selected (col. 5, lines 22-31). However, the system of Graziano initially uses a PSD that will function upon selection. Also, in the system of Bremer, the first selected transceiver and associated PSD is initially able to establish a communications link. Further, there is no user input in the systems of Graziano and Bremer. Accordingly, the prior art of record does not disclose the automatic selection of one of a first predetermined PSD and a second predetermined PSD that will establish a link to one or more CPE devices when another one of the PSDs selected by a user will not establish a link to the one or more CPE devices.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID B. LUGO whose telephone number is (571)272-3043. The examiner can normally be reached on M-F; 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on 571-272-3066. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.